

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6394

BILL NUMBER: SB 93

DATE PREPARED: Feb 9, 2001

BILL AMENDED: Feb 8, 2001

SUBJECT: Registration of Soil Scientists.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill creates the Indiana Board of Registration for Soil Scientists. The Board consists of five members: (1) a government soil scientist; (2) an academic soil scientist; (3) two registered professional soil scientists; and (4) one individual representing the public at large. The Board must enter into a contract with the State Chemist under which the State Chemist provides clerical support and administrative support to the Board. The bill sets qualifications for the registration of professional soil scientists and associate soil scientists. The Board must publish yearly a roster showing the names and places of business of all registered soil scientists. The bill establishes the Soil Scientist Registration Fund. It provides a disciplinary process for registered soil scientists. It also provides that an individual who knowingly or intentionally falsely claims to be a registered soil scientist commits a Class B misdemeanor. It exempts individuals in certain professions from the registration requirements.

Effective Date: Upon passage; July 1, 2001.

Explanation of State Expenditures:

Board Expenses: The five members of the Indiana Board of Registration for Soil Scientists are entitled to reimbursement for traveling expenses and other expenses incurred because of the member's duties. The Board must meet at least once a year. The Board must adopt rules to establish the program and to set registration and renewal fees. Initially, no revenue would exist until members conduct at least one board meeting and individuals begin to register with the Board. Consequently, the members would not receive reimbursement until money is deposited in the fund.

Each year the Board determines the cost incurred in administering the program for the registration of soil scientists. If necessary, the Board adjusts the registration fee and the renewal fee to insure that the program is self-supporting.

Private Counsel and Administrative Support: The Board may hire private counsel at the expense of the Board. Costs for private counsel would depend on the extent of the legal services needed.

The Board must also contract with the Office of the State Chemist for clerical support, record-keeping services, and office space. The Board is to compensate the State Chemist at a rate and at intervals set by the contract. The State Chemist will not require additional staff to provide services to the Board. Services provided to the Board by the State Chemist are estimated at less than \$12,000 a year.

Publishing Costs: Each year the Board must publish a roster of the names, addresses, and places of business of all registered soil scientists. Copies of the roster are to be made available to each registered soil scientist and furnished to the public upon request. The Board will incur administrative costs in producing the registry. Costs could be contained if the roster is supplied electronically.

Other Agencies Affected: The bill designates the Attorney General as the Board's legal advisor, which may increase costs to the Office of the Attorney General. The specific increase would depend on the extent of the legal services needed. If requested, an administrative review of a determination made by the Board must be conducted before an administrative law judge appointed by the Natural Resources Commission. This provision would increase administrative expenses for the Commission. The specific expense would depend on the nature and number of reviews requested.

Explanation of State Revenues: This bill establishes the Soil Scientist Registration Fund. The sources of money for the fund are registration fees and renewal fees established by rules adopted by the Board. Staff at the American Registry of Certified Professionals in Agronomy, Crops, and Soils report that 71 soil scientists in Indiana are registered with the national board. Staff also indicate that more than 300 individuals are members of the association but have chosen not to participate in a national registry. When Wisconsin registered soil scientists, approximately 50% of the individuals who were members of the association applied for state registration. Based on the Wisconsin experience, an estimated 150 soil scientists in Indiana could be interested and eligible to register as a soil scientist.

The registration certificate issued expires after three years. If annual costs to the Board were \$12,000 (which would not include costs for a private counsel), the annual fee for 150 members would need to equal \$80 for each registration to pay for the expenses of the Board. (A \$240 fee for a three-year license would generate \$36,000 over a three-year period.) If more individuals register, the cost per registration would decrease.

The Treasurer of State would invest money in the Soil Scientist Registration Fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of the state fiscal year does not revert to the State General Fund.

Class B Misdemeanor: An individual who knowingly or intentionally falsely professes or presents himself or herself to be a soil scientist or an individual who gives false or forged evidence to the board commits a Class B misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the State General Fund could increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee when a guilty verdict is entered would be deposited in the State General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the State General Fund.

Explanation of Local Expenditures: A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, the county general fund would receive 27% of the \$120 court fee assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. A \$3 fee would be assessed and deposited in the county law enforcement continuing education fund. A \$2 fee is also assessed and deposited in the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: State Chemist, Natural Resources Commission, Office of the Attorney General, and Purdue University.

Local Agencies Affected: Trial courts and local law enforcement agencies.

Information Sources: American Registry of Certified Professionals in Agronomy, Crops, and Soils (608)273-8080; Dr. Alan Hanks, State Chemist, Purdue University (765) 494-1492.